UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,701	01/22/2004	Edward Eytchison	Sony-05200	7666

7590 07/30/2007	EXAMINER
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162 North Wolfe Road	ART UNIT / PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**
Office Action Summary	10/763,701	EYTCHISON ET AL.
	Examiner	**Art Unit**	
	Andrea N. Long	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *6/7/2007 and 6/14/2007*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Applicant's Response

Claims 1-26 are currently pending. Claims 23, 25, and 26 have been amended. The prior

rejection of claims 23, 25, and 26, under 35 U.S.C. 112, second paragraph, is moot.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 1-3, 5-16, and 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated**

by Craig Janik (Pub. No US 2002/0013852 A1), hereinafter "Janik".

As to independent claim 1, Janik teaches a method comprising:

identifying a preference corresponding to a user (page 6 paragraph [0082]);

detecting a current display window (page 5 paragraphs [0075] [0076], page 6 paragraph

[0087]); and

prefetching at least one audio/visual content in response to the current display window

and the preference (Figs. 3,4, page 6 paragraphs [0082] [0094]).

As to dependent claim 2, Janik teaches setting a prefetch parameter for a range of display windows in response to the preference (Figs. 5, 7, 9).

As to dependent claim 3, Janik teaches setting a prefetch parameter for a frequency of prefetching in response to the preference (page 11 paragraph [0165]).

As to dependent claim 5, Janik teaches wherein the audio/visual content includes one of a document, an image, audio data, and video data (page 1 paragraph [0009]).

As to dependent claim 6, Janik teaches wherein the preference includes viewing habits and selected genres (Fig. 22, page 6 paragraph [0082]).

As to dependent claim 7, Janik teaches wherein the prefetching further comprises transmitting the audio/visual content to a prefetching buffer (page 1 paragraph [0008], page 5 paragraph [0072], page 12 paragraph [0176]). It is well known that a buffer is a region of memory to hold data temporarily until transferred. While Janik teaches the system including memory, he further teaches a Gateway storage peripheral which allows storage of data until the data is transferred, which one skilled in the art would considered equivalent to a buffer.

As to dependent claim 8, Janik teaches wherein the prefetching further comprises updating the audio/visual content based on the current display window (page 11 paragraph [0167]).

As to dependent claim 9, Janik teaches wherein the preference includes a play list (page 8 paragraph [0132]).

As to dependent claim 10, Janik teaches wherein the preference includes a genre selection (Fig. 22, page 6 paragraph [0082]).

As for dependent claim 11, Janik teaches wherein the preference includes a plurality of audio/visual content (Fig. 22, page 6 paragraph [0082]).

As for independent claim 12, Janik teaches a system comprising:

means for identifying a preference (page 6 paragraph [0082]);

means for organizing audio/visual content using a parameter (page 5 paragraphs [0076] [0077]);

means for detecting a current display window (page 5 paragraphs [0075] [0076], page 6 paragraph [0087]); and

means for prefetching at least one audio/visual content in response to the current display window and the preference (Figs. 3,4, page 6 paragraphs [0082] [0094]).

As to independent claim 13, Janik teaches a method comprising:

detecting an activity (page 6 paragraph [0082] → user selecting preferences);

setting a prefetch parameter based on the detected activity (page 6 paragraph [0082]);

detecting a current display window (page 5 paragraphs [0075] [0076], page 6 paragraph

[0087]); and

prefetching a content item based on the prefetch parameter and the current

display window (Figs. 3,4, page 6 paragraphs [0082] [0094]).

As to dependent claim 14, Janik teaches wherein the prefetch parameter includes a range

of display windows (Figs. 5, 7, 9).

As to dependent claim 15, Janik teaches wherein the prefetch parameter includes a

frequency of prefetching (page 11 paragraphs [0165]).

As to dependent claim 16, Janik teaches selecting at least one audio/visual content based

on a search parameter (page 5 paragraphs [0079]).

As to dependent claim 21, Janik teaches updating the prefetch parameter based on an

additional activity (page 11 paragraphs [0165]).

As to dependent claim 22, Janik teaches prefetching at least one additional audio/visual

content based on a changing current display window (page 11 paragraph [0167]).

As to independent claim 23, Janik teaches a system comprising:

a media container configured for storing an audio/visual content item ("Internet", Fig. 1 reference characters 8 and 10);

a prefetch buffer configured for temporarily storing a prefetched audio/visual content item (page 1 paragraph [0008], page 5 paragraph [0072], page 12 paragraph [0176]). It is well known that a buffer is a region of memory to hold data temporarily until transferred. While Janik teaches the system including memory, he further teaches a Gateway storage peripheral which allows storage of data until the data is transferred, which one skilled in the art would considered equivalent to a buffer.

and

a presentation layer configured for transmitting the prefetched audio/visual content item to the prefetch buffer based on a user's preference and a current display window (page 3 paragraph [0027], page 5 paragraphs [0076] [0080], page 6 paragraph [0082]).

As to dependent claim 24, Janik teaches an application configured to utilize the prefetched audio/visual content (page 6 paragraph [0084]).

As to dependent claim 25, Janik teaches wherein the presentation layer transmits the prefetched audio/visual item content based on a preset range of display windows (page 1 paragraph [0008], page 12 paragraph [0176]).

As to dependent claim 26, Janik teaches wherein the presentation layer transmits the

prefetched audio/visual content item based on a preset frequency of prefetching (page 1

paragraph [0008], page 12 paragraph [0176]).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 4 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Craig Janik (Pub. No US 2002/0013852 A1).

As to dependent claim 4, note the discussion above, Janik the method of claim 1. Janik

further teaches retaining the user' preference information (page 5, paragraph [0080], page 6

paragraph [0082]). However Janik does not explicitly teach identifying the user associated with

the preference. Official Notice is taken, that it is old and well known in the art for a user's

preference information to be stored and obtained by identifying the user through a variety of

methods, for example, the use of a username and password.

It would have been obvious to one skilled in the art at the time the invention was made

than an identification process for retrieving the user's preference would be implemented to

eliminate the need for the user to re-enter their preferences for uses at a different time or

location.

As to dependent claim 17, Janik teaches the function of wherein the search parameter is a prefetchcontentlist command (page 6 paragraph [0082]). However, Janik does not label this function as a prefetchcontentlist command. Official Notice is taken that it is old and well known in the art that classes such as in databases, contain commands and are usually named to be descriptive of the function at which it is intended to perform.

It would have been obvious to one skilled in the art at the time the invention was made to have labeled a search parameter prefetchcontentlist to allow for ease for identification if a user or programmer needed to make modifications to the class and it's commands.

As to dependent claim 18, Janik teaches the function of wherein the search parameter is a getcontentlist command (page 8 paragraph [0132], page 9 paragraph [0134). However, Janik does not label this function as a getcontentlist command. Official Notice is taken that it is old and well known in the art that classes such as in databases, contain commands and are usually named to be descriptive of the function at which it is intended to perform.

It would have been obvious to one skilled in the art at the time the invention was made to have labeled a search parameter getcontentlist to allow for ease for identification if a user or programmer needed to make modifications to the class and it's commands.

As to dependent claim 19, Janik teaches the function of wherein the search parameter is a getcontentbygenre command (page 5 paragraphs [0076] [0077]). However, Janik does not

label this function as a getcontentbygenre command. Official Notice is taken that it is old and

well known in the art that classes such as in databases, contain commands and are usually named

to be descriptive of the function at which it is intended to perform.

It would have been obvious to one skilled in the art at the time the invention was made to

have labeled a search parameter getcontentbygenre to allow for ease for identification if a user or

programmer needed to make modifications to the class and it's commands.

As to dependent claim 20, Janik teaches a function of wherein the search parameter is a

getmediacontainer command (page 5 paragraphs [0076] through [0079]). However, Janik does

not label this function as a getmediacontainer command. Official Notice is taken that it is old

and well known in the art that classes such as in databases, contain commands and are usually

named to be descriptive of the function at which it is intended to perform.

It would have been obvious to one skilled in the art at the time the invention was made to

have labeled a search parameter getmediacontainer to allow for ease for identification if a user or

programmer needed to make modifications to the class and it's commands.

Response to Arguments

5.   Applicant's arguments filed 05/02/2007 have been fully considered but they are not

persuasive.

In regards to independent claims 1, 12, 13, and 23, the basis of the Applicant's arguments

asserts that Janik does not teach, "prefetching audio/visual content based on a preference

corresponding to a user" and "prefetching a content item based on a prefetch parameter and a

current display window".

The Examiner respectfully disagrees.

Janik teaches prefetching audio/visual content based on a preference corresponding to a

user by stating content retrieved for a user is determined by a content preference provided by a

user. The user is able to create a preference of content by checking boxes beside content types

that they wish to receive, which in returns displays content that is related to the users selections.

Janik teaches prefetching a content item based on a prefetch parameter and a current display

window. As previously stated the user is able to select content preference, which filters for

content that is wanted by the user for viewing, which constitutes parameters. Further Fig. 22

exemplifies a web page (current display window), which receives the preference information for

processing of the users preferred content.

For the reasons of Janik teaching the limitations of independent claims 1, 12, 13, and 23,

the dependent claims therefore are also rejected under the teaches of Janik.

Official Notice was taken for claims 4 and 17-20 that it is old and well known in the art

for a user's preference information to be stored and obtained by identifying the user through the

use of a username or password. The Applicant disagrees with the conclusion and the taking of

Official Notice to support the rejection. Therefore the Examiner has supplied prior art, which

has been cited on Form PTO 892, Ban et al, US 2004/073787 A1, specifically on page 1

paragraph [0002], which supports the Official Notice taken by the Examiner.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The

examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long
07/09/2007

WILLIAM BASHORE
PRIMARY EXAMINER